

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



November 30, 1988

ALL-COUNTY INFORMATION NOTICE NO. I-117-88

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY COUNSELS
ALL COUNTY PROBATION DEPARTMENTS

SUBJECT: FOSTER FAMILY HOME AND SMALL FAMILY HOME INSURANCE FUND
AND CHILD ABUSE PREVENTION PILOT PROJECTS

This letter is to inform Counties of the continuation of the Foster Family Home and Small Family Home Insurance Fund as well as the extension of 11 pilot projects administered by the Office of Child Abuse Prevention. Senate Bill (SB) 470 (Chapter 195, Statutes of 1988) effective June 16, 1988 enacted urgency statutory changes to the Civil Code, Health and Safety Code, Insurance Code and Welfare and Institutions Code (WIC) governing the Foster Family Home and Small Family Home Insurance Fund and Child Abuse Prevention Pilot Projects.

These changes delete provisions of law which would make inoperative and repeal the Foster Family Home and Small Family Home Insurance Fund. Changes regarding the Fund are summarized as follows:

1. Section 43.55 of the Civil Code is amended to delete the sunset provisions.
2. Section 1527.10 of the Health and Safety Code containing sunset provisions for the Fund is repealed.
3. Section 676.2 of the Insurance Code is amended to delete the sunset provisions for the Fund.
4. The unencumbered balance of the Foster Family Home and Small Family Home Insurance Fund is reappropriated and made available for expenditure until June 30, 1989.

Senate Bill 470 also extends the termination date of 11 pilot projects administered by the Office of Child Abuse Prevention. Eight of these pilot projects, located in the Counties of Los Angeles, Sacramento, San Bernardino, San Diego, San Mateo, Santa Clara, Tulare and Yolo, provide intensive in-home services to avoid the out-of-home placement of abused or neglected children. Three other pilot projects, located in the Counties of Contra Costa, El Dorado and Kern, are designed to maximize the safety, security, comfort and quality of

life of children aged 14 years or under who are in self-care during the hours of parental employment or other unavailability. Additionally, the bill extended the termination date of the evaluation of the projects. Changes regarding the pilot projects are summarized as follows:

1. Section 18964 of the Welfare and Institutions Code (WIC) is amended to extend the date the eight in-home services pilot projects become inoperative from January 1, 1989 to July 1, 1989.
2. Section 18964.1 of WIC is amended to extend the date the self-care projects become inoperative from January 1, 1989 to July 1, 1989.
3. Section 18964.6 of WIC is amended to extend the evaluation of the projects from January 1, 1989 to March 1, 1990.

A copy of the legislation is attached. If you have any questions regarding the Fund, please contact Ms. Evonne Morrissey, Family and Children's Services Policy Bureau at (916) 324-8698. Questions regarding the pilot projects may be directed to Mr. Robert Green, Assistant Chief, Office of Child Abuse Prevention at (916) 323-2888.



LOREN D. SUTER
Deputy Director
Adult and Family Services

Attachment

cc: County Welfare Directors Association

CHAPTER 195

An act to amend Section 43.55 of the Civil Code, to repeal Section 1527.10 of the Health and Safety Code, to amend Section 676.2 of the Insurance Code, and to amend Sections 18964, 18964.1, 18964.5, and 18964.6 of the Welfare and Institutions Code, relating to child welfare, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1988. Filed with
Secretary of State June 16, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 470, Royce. Child welfare: foster family homes and small family homes: child abuse.

(1) Under existing law, the Foster Family Home and Small Family Home Insurance Fund within the State Department of Social Services, pays or reimburses, on behalf of foster family homes and small family homes, as defined, specified claims of foster children, their parents, and guardians resulting from occurrences peculiar to the foster care relationship and the provision of foster care services up to the amount of \$300,000 per home during a single calendar year. Existing law provides that these provisions shall become inoperative on June 30, 1988, and, as of January 1, 1989, are repealed.

This bill would delete the provisions which make inoperative and repeal provisions providing for the Foster Family Home and Small Family Home Insurance Fund.

(2) Existing law prohibits an insurer from refusing to issue or canceling homeowners' or tenants' policies solely on the basis that the applicant or policyholder is engaged in foster home activities and excludes certain liability from the coverage of these policies. Existing law provides that these provisions shall become inoperative on June 30, 1988, and are repealed as of January 1, 1989.

This bill would delete the provisions which make inoperative and repeal the provisions prohibiting the above-described refusals to issue or cancellations of policies.

(3) Existing law expressly provides that there is no cause of action against a foster parent for alienation of affection of a foster child. Existing law provides that this provision shall become inoperative on June 30, 1988, and, as of January 1, 1989, is repealed.

This bill would delete the provisions which make inoperative and repeal the provision which expressly states that there is no cause of action for alienation of affection of a foster child.

(4) Existing law requires the Office of Child Abuse Prevention to contract for the operation of 8 pilot projects to avoid the out-of-home placement of abused or neglected children. Existing law also

requires the office to contract for the operation of 3 pilot projects designed to maximize the safety, security, comfort, and quality of life of children aged 14 years or under who are in self-care during the hours of parental employment or other unavailability. Existing law also contains provisions for the manner of contracting for, monitoring, and evaluating these pilot projects. Under existing law, the above-described provisions are to be repealed as of January 1, 1989.

This bill would, instead, make these provisions inoperative on July 1, 1989, and would repeal them as of January 1, 1990, except for the provisions relative to the monitoring and evaluating of the pilot projects, which would become inoperative on March 1, 1990, and repealed on January 1, 1991.

(5) This bill would reappropriate the unencumbered balance of the appropriation provided for the Foster Family Home and Small Family Home Insurance Fund in the Budget Act of 1987, as specified, and would provide that a specified amount of funds appropriated for the fund in the Budget Act of 1987 for claims payments is available for operation and maintenance of the fund, as specified.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 43.55 of the Civil Code, as added by Chapter 1330 of the Statutes of 1986, is amended to read:

43.55. No cause of action arises against a foster parent for alienation of affection of a foster child.

SEC. 2. Section 1527.10 of the Health and Safety Code is repealed.

SEC. 3. Section 676.2 of the Insurance Code, as added by Chapter 1330 of the Statutes of 1986, is amended to read:

676.2. (a) No admitted insurer, licensed to issue and issuing homeowner's or tenant's policies, as described in Section 122, shall (1) fail or refuse to accept an application for that insurance or to issue that insurance to an applicant or (2) cancel that insurance, solely on the basis that the applicant or policyholder is engaged in foster home activities in a licensed foster family home or licensed small family home, as defined in Section 1502 of the Health and Safety Code.

(b) Coverage under policies described in subdivision (a) with respect to a foster child shall be the same as that provided for a natural child. However, unless specifically provided in the policy, there shall be no coverage expressly provided in the policy for any bodily injury arising out of the operation or use of any motor vehicle, aircraft, or watercraft owned or operated by, or rented or loaned to, any foster parent.

(c) It is against public policy for a policy of homeowner's or tenant's insurance subject to this section to provide liability coverage

for any of the following losses:

(1) Claims of a foster child, or a parent, guardian, or guardian ad litem thereof, of a type payable by the Foster Family Home and Small Family Home Insurance Fund established by Section 1527.1 of the Health and Safety Code, regardless of whether the claim is within the limits of coverage specified in Section 1527.4 of the Health and Safety Code.

(2) An insurer shall not be liable, under a policy of insurance subject to this section, to any governmental agency for damage arising from occurrences peculiar to the foster-care relationship and the provision of foster-care services.

(3) Alienation of affection of a foster child.

(4) Any loss arising out of licentious, immoral or sexual behavior on the part of a foster parent intended to lead to, or culminating in, any sexual act.

(5) Any loss arising out of a dishonest, fraudulent, criminal, or intentional act.

(d) There shall be no penalty for violations of this section prior to January 1, 1987.

(e) Insurers may provide a special endorsement to a homeowners' or tenants' policy covering claims related to foster care that are not excluded by subdivision (c).

(f) Insurers may provide by a separate policy for some or all of the claims related to foster care that are excluded by subdivision (c).

SEC. 4. Section 18964 of the Welfare and Institutions Code is amended to read:

18964. The Office of Child Abuse Prevention shall contract for the operation of eight pilot projects to be based on in-home care, which shall be designed to avoid the out-of-home placement of abused or neglected children. These programs shall do all of the following:

(a) Provide in-home services utilizing licensed therapists who have at least a masters degree or the equivalent combination of education and experience.

(b) Provide intensive supplemental training to any staff therapist concerning therapeutic techniques local resources, and assure that the therapist has received the intensive supplemental training specified in Section 18964.5, before assigning any client to the therapist.

(c) Limit the number of families assigned to a therapist at any given time to a maximum of three, except that if a therapist team is utilized, the maximum number of families assigned to such a team shall be six at any given time.

(d) Offer services only to families where it appears that unless the program's services are provided, it will be necessary to place one or more children out of the home.

(e) Have the therapists assigned to a family, be on call and available to the family 24 hours a day, for a period appropriate to the

family's needs, which is ordinarily a period of four to six weeks.

(f) Keep records, conduct internal evaluation, and cooperate with external evaluation as directed by the Office of Child Abuse Prevention.

To qualify for continued funding each agency shall meet all of the following annual minimum performance goals:

(1) Each agency shall demonstrate a success rate of 75 percent in avoiding out-of-home placement six months after intervention, with increased success rates in subsequent years.

(2) Each agency shall submit a detailed budget and annual audit.

(3) Each agency shall submit a letter of agreement from the local county department conducting the duties of the probation officer concerning dependent children as described in Section 300, indicating continued support and cooperation with the funded agency.

These pilot projects shall provide services to children who are within the jurisdiction of the juvenile court pursuant to Section 330, or who are dependent children not taken from the physical custody of their parents or guardian pursuant to Section 364, or who are dependent children removed from the physical custody of their parents or guardian pursuant to Section 361. The caseworker may return a dependent child removed from the home pursuant to Section 361, with appropriate pilot project services, in an appropriate case, pursuant to a new court order which may be granted on an ex parte basis. Each family receiving services shall have an open and active emergency response or family maintenance care plan.

Not more than one pilot project shall be located in any one county. At least one pilot project shall be in a rural county. For the purpose of this section, a rural county is a county with a population of less than 125,000 persons. Services to minority populations shall be reflected in the funding of programs. Each agency applying for funding shall submit with its application, a letter from the local county department conducting the duties of the probation department concerning dependent children described in Section 300, indicating a willingness to work cooperatively with the applicant agency and its proposed project. The selection of agencies to be funded shall be determined by the Office of Child Abuse Prevention. The projects shall be funded at an average level of not more than one hundred fifty thousand dollars (\$150,000) per year, less the allowable department administrative costs described in Section 18969.

This section shall become inoperative on July 1, 1989, and, as of January 1, 1990, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1990, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 18964.1 of the Welfare and Institutions Code is amended to read:

18964.1. The Office of Child Abuse Prevention shall develop specific criteria to contract for the operation of three pilot projects,

designed to maximize the safety, security, comfort, and quality of life of children aged 14 or under who are in self-care during hours of parental employment or other unavailability, by training families in how to accomplish these goals, and by other techniques designed to accomplish these goals that are consistent with the requests for proposals issued pursuant to Section 18964.5. Not more than one pilot project shall be located in any one county. At least one pilot project shall be located in a rural county. For the purpose of this section, rural counties are those having populations of under 125,000 persons. Geographic equity throughout the state shall be reflected in the funding of programs.

Each pilot project shall provide training to families who use self-care with young children. The selection of agencies to be funded shall be determined by the Office of Child Abuse Prevention. The projects shall be funded at an average level of not more than seventy-five thousand dollars (\$75,000) per year, less allowable the departmental administrative costs described in Section 18969.

This section shall become inoperative on July 1, 1989, and, as of January 1, 1990, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1990, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 18964.5 of the Welfare and Institutions Code is amended to read:

18964.5. Contracts for pilot projects established under Sections 18964 and 18964.1 shall be entered into utilizing a competitive bid basis. Contracts may only be entered into by public or private nonprofit agencies, except for child protection agencies as defined in subdivision (k) of Section 11165 of the Penal Code.

Projects shall be evaluated through internal and external evaluation processes. The total cost of the external evaluation of the projects under both Sections 18964 and 18964.1 shall not exceed two hundred twenty-five thousand dollars (\$225,000). A contract or contracts for evaluation shall be entered into utilizing a competitive bid basis, with no restriction on the categories of agencies that may bid. Requests for evaluation proposals shall be issued within 120 days of the effective date of the addition of this section, as enacted, during the 1985-86 Regular Session. Requests for pilot project proposals shall be issued within 90 days of the date the requests for evaluation proposals are issued.

The request for proposals for the pilot projects established under Section 18964 shall require that applicants identify a plan for acquiring and presenting intensive supplemental training concerning therapeutic techniques and related issues to any staff therapist of a project established under Section 18964 before any client is assigned to the therapist. This requirement recognizes that quality training is needed for the successful completion of the evaluation of these projects. The request for proposals shall also require that applicants identify a plan for continuing education of

the staff therapists. The initial training shall be provided, and the continuing education may be provided, by individuals with recognized expertise in the development, establishment, and administration of in-home care programs similar to those described in Section 18964. Training may be provided by the applicant, with the review and approval of the Office of Child Abuse Prevention.

Agencies selected for funding shall receive funds in a timely manner, including an advance of funds when necessary to initiate a project.

This section shall become inoperative on July 1, 1989, and, as of January 1, 1990, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1990, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 18964.6 of the Welfare and Institutions Code is amended to read:

18964.6. The Office of Child Abuse Prevention shall develop a system of written guidelines for funding and a system of performance standards for monitoring the effectiveness of the pilot programs. The standards shall consist of measurable objectives, including, but not limited to, a measure of success at avoiding the need for out-of-home placement and the cessation of abuse, neglect, or sexual exploitation. Each pilot project shall be evaluated in terms of these standards. The effectiveness of programs of pilot projects funded pursuant to Sections 18964 and 18964.1 shall be evaluated by a public institution or private nonprofit agency or other qualified organization selected by the department. Funding for the evaluation of these pilot projects shall be provided from appropriations to the State Children's Trust Fund.

This section shall become inoperative on March 1, 1990, and, as of January 1, 1991, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1991, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. (a) Notwithstanding any other provision of law, the unencumbered balance of the appropriation provided for the Foster Family Home and Small Family Home Insurance Fund in Item 5180-001-131 of the Budget Act of 1987 is reappropriated for the purposes specified in Item 5180-001-131 and shall be available for expenditure until June 30, 1989.

(b) Notwithstanding Section 6.50 of the Budget Act of 1987, up to one hundred fifty thousand dollars (\$150,000) appropriated for claims payments in Item 5180-001-131(b) of the Budget Act of 1987 is available for transfer to Item 5180-001-131(a) for the operation and maintenance of the Foster Family Home and Small Family Home Insurance Fund.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the orderly continuation of programs necessary for the promotion of child welfare which are affected by this act, it is necessary for this act to take effect immediately.

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